

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tooru OOIWA

Application No.: 09/960,735

Filed: September 24, 2001

For: ROTARY ELECTRIC MACHINE AND METHOD FOR MANUFACTURING THE
SAME

Group Art Unit: 2834

Examiner: D. Le

Docket No.: 111334

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RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Restriction Requirement mailed April 19, 2002, Applicant
provisionally elects Group I, claims 1-15, with traverse.

Under MPEP §806.05(f) a restriction requirement is proper if a process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: 1) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products, or 2) that the product as claimed can be made by another and materially different process. The Office Action alleges that "in the instant case the product as claimed can be used to generate electricity." However, such reasoning does not provide proper grounds for restriction under either of the above stated reasons and does not reflect the claimed subject matter.


It is also respectfully submitted that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be

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made without serious burden. See MPEP §803 in which it is stated that "If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions." (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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JAO:JWF/mmc

Date: May 17, 2002

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